

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES - GENERAL

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| Case No. | 2:11-cv-04153-CAS(AGR _x) | Date | April 4, 2016 |
| Title | LOREAN BARRERA V. PHARMAVITE, LLC | | |

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| Present: The Honorable | CHRISTINA A. SNYDER | |
| Catherine Jeang | Laura Elias | N/A |
| Deputy Clerk | Court Reporter / Recorder | Tape No. |
| Attorneys Present for Plaintiffs: | Attorneys Present for Defendants: | |
| Elaine Ryan Patricia Syverson Stewart Weltman | Rene Tatro | |

Proceedings: PLAINTIFF’S MOTION FOR APPROVAL OF CLASS NOTICE AND PLAN FOR DISSEMINATION OF CLASS NOTICE (Filed 03/02/2016)[212]

I. INTRODUCTION & BACKGROUND

On May 13, 2011, plaintiff Lorean Barrera, on behalf of herself and all others similarly situated, filed the instant class-action suit against defendant Pharmavite, LLC. (“Pharmavite”). The instant suit arises out of the marketing and sales of Pharmavite’s “Triple Flex” dietary supplements. On November 19, 2014, the Court granted in part plaintiff’s motion for class certification. Dkt. 192. Specifically, the Court certified two classes of California consumers who purchased Pharmavite’s “Triple Flex” products—one class bringing claims under the Unfair Competition Law (“UCL”) and the other bringing claims under the Consumer Legal Remedies Act (“CLRA”). *Id.*

On March 2, 2016, plaintiff filed a motion for an order approving plaintiff’s proposed forms of class notice and plans for dissemination of that class notice. Dkt. 212. On March 14, 2016, defendant filed an opposition, Dkt. 218, and on March 21, 2016, plaintiff filed a reply, Dkt. 228. Plaintiff’s motion is presently before the Court.

II. DISCUSSION

Defendant does not substantively contest the adequacy of plaintiff’s proposed forms of class notice and plans for dissemination of that notice. Instead, the thrust of defendant’s opposition is that the Court should delay ruling on plaintiff’s motion until

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after the Court has ruled on several recently filed dispositive motions in this case. Specifically, defendant contends that the Court should withhold ruling on the instant motion until after the Court has resolved defendant’s motions for summary judgment and to decertify the classes in this case.

The Court concludes that, in light of defendant’s currently pending motions, it is prudent to defer ruling on plaintiff’s motion for approval of a class notice and plan for dissemination of that notice. While the Court expresses no opinion on the merits of the pending motions, it notes that were the Court to authorize a class notice and then subsequently decertify or modify the existing classes, the parties would need to disseminate a second class notice. Thus, were the Court to approve plaintiff’s class notice at this time it could potentially cause confusion for members of the classes and plaintiff may incur needless expense by issuing not one, but two class notices. Accordingly, the Court **DEFERS RULING** on and hereby takes the instant motion under submission. Plaintiff may renew her motion after the Court has resolved the pending motions to decertify the classes in this case and for summary judgment.

IT IS SO ORDERED

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CMJ